IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 8544 of 2000

For Approval and Signature:

Hon'ble MR.JUSTICE M.R.CALLA

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1. Whether Reporters of Local Papers may be allowed to see the judgement? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

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SHAILESHKUMAR FULCHANDDAS SONI

Versus

STATE OF GUJARAT

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Appearance:

MR YATIN SONI for Petitioner

MS HARSHA DEVANI, ld.AGP for Respondents

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CORAM : MR.JUSTICE M.R.CALLA

Date of decision: 13/10/2000

ORAL JUDGEMENT

This Special Civil Application is directed against the detention order dated 14th June 2000 passed against the petitioner by the Police Commissioner, Rajkot City under the provisions of the Gujarat Prevention of

Anti Social Activities Act, 1985. Since 17th June 2000, the petitioner is detained at Central Jail, Jamnagar.

No reply to the petition has been filed. The grounds enclosed with the detention order show that three criminal cases have been registered against the petitioner under Sec.411 of IPC on 10th June 2000 at Rajkot Taluka Police Station, Rajkot City. The statements of witnesses were recorded on 12th June 2000 and the detention order was passed on 14th June 2000. On the basis of the criminal and anti social activities referred to in the grounds of detention order against the petitioner by the detaining authority in the context of the three criminal cases as aforesaid, the petitioner has been found to be a dangerous person and the detaining authority has found that there is no other alternative, but to detain the petitioner so as to prevent him from continuing his illegal and anti social activities.

Learned Counsel for the petitioner has submitted that the petitioner is essentially a Gold Smith and the allegations against him are that he has purchased stolen gold.

In the facts and circumstances of this case, all the criminal and anti social activities of the petitioner about which the reference has been made in the grounds of detention order against the petitioner, even if taken to be true, do not make out a case of breach of public order and it is at the most, a case of breach of law and order.

For the reasons as aforesaid, the impugned detention order dated 14th June 2000 passed by the Police Commissioner, Rajkot City, Rajkot against the petitioner cannot be sustained in the eye of law. The same is hereby quashed and set aside. It is directed that the petitioner Shaileshkumar Fulchanddas Soni detained at Central Jail, Jamnagar, since 17th June 2000 be released forthwith if not required in any other case. This Special Civil Application is allowed. Rule is made absolute.

(M.R. Calla, J.)

Sreeram.